

***Superseded 5/10/2016***

**32B-2-202 Powers and duties of the commission.**

(1) The commission shall:

- (a) consistent with the policy established by the Legislature by statute, act as a general policymaking body on the subject of alcoholic product control;
- (b) adopt and issue policies, rules, and procedures;
- (c) set policy by written rules that establish criteria and procedures for:
  - (i) issuing, denying, not renewing, suspending, or revoking a package agency, license, permit, or certificate of approval; and
  - (ii) determining the location of a state store, package agency, or retail licensee;
- (d) decide within the limits, and under the conditions imposed by this title, the number and location of state stores, package agencies, and retail licensees in the state;
- (e) issue, deny, suspend, revoke, or not renew the following package agencies, licenses, permits, or certificates of approval for the purchase, storage, sale, offer for sale, furnishing, consumption, manufacture, and distribution of an alcoholic product:
  - (i) a package agency;
  - (ii) a full-service restaurant license;
  - (iii) a master full-service restaurant license;
  - (iv) a limited-service restaurant license;
  - (v) a master limited-service restaurant license;
  - (vi) a club license;
  - (vii) an airport lounge license;
  - (viii) an on-premise banquet license;
  - (ix) a resort license, under which four or more sublicenses may be included;
  - (x) an on-premise beer retailer license;
  - (xi) a reception center license;
  - (xii) a beer-only restaurant license;
  - (xiii) subject to Subsection (4), a single event permit;
  - (xiv) subject to Subsection (4), a temporary beer event permit;
  - (xv) a special use permit;
  - (xvi) a manufacturing license;
  - (xvii) a liquor warehousing license;
  - (xviii) a beer wholesaling license; and
  - (xix) one of the following that holds a certificate of approval:
    - (A) an out-of-state brewer;
    - (B) an out-of-state importer of beer, heavy beer, or flavored malt beverages; and
    - (C) an out-of-state supplier of beer, heavy beer, or flavored malt beverages;
- (f) in accordance with Section 32B-5-205, issue, deny, suspend, or revoke conditional licenses for the purchase, storage, sale, furnishing, consumption, manufacture, and distribution of an alcoholic product;
- (g) prescribe the duties of the department in assisting the commission in issuing a package agency, license, permit, or certificate of approval under this title;
- (h) to the extent a fee is not specified in this title, establish a fee allowed under this title in accordance with Section 63J-1-504;
- (i) fix prices at which liquor is sold that are the same at all state stores, package agencies, and retail licensees;
- (j) issue and distribute price lists showing the price to be paid by a purchaser for each class, variety, or brand of liquor kept for sale by the department;

- (k)
    - (i) require the director to follow sound management principles; and
    - (ii) require periodic reporting from the director to ensure that:
      - (A) sound management principles are being followed; and
      - (B) policies established by the commission are being observed;
  - (l)
    - (i) receive, consider, and act in a timely manner upon the reports, recommendations, and matters submitted by the director to the commission; and
    - (ii) do the things necessary to support the department in properly performing the department's duties;
  - (m) obtain temporarily and for special purposes the services of an expert or person engaged in the practice of a profession, or a person who possesses a needed skill if:
    - (i) considered expedient; and
    - (ii) approved by the governor;
  - (n) prescribe the conduct, management, and equipment of premises upon which an alcoholic product may be stored, sold, offered for sale, furnished, or consumed;
  - (o) make rules governing the credit terms of beer sales within the state to retail licensees; and
  - (p) in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, take disciplinary action against a person subject to administrative action.
- (2) Consistent with the policy established by the Legislature by statute, the power of the commission to do the following is plenary, except as otherwise provided by this title, and not subject to review:
- (a) establish a state store;
  - (b) issue authority to act as a package agent or operate a package agency; and
  - (c) issue or deny a license, permit, or certificate of approval.
- (3) If the commission is authorized or required to make a rule under this title, the commission shall make the rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) Notwithstanding Subsections (1)(e)(xiii) and (xiv), the director or deputy director may issue an event permit in accordance with Chapter 9, Event Permit Act.